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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,757	02/27/2004	Gary A. Farnsworth	H0005905--1180	8511
7590 08/04/2005 HONEYWELL INTERNATIONAL, INC. Law Dept. AB2 P.O. Box 2245 Morristown, NJ 07962-9806			EXAMINER NGUYEN, NINH H	
			ART UNIT 3745	PAPER NUMBER
DATE MAILED: 08/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,757

Applicant(s)

FARNSWORTH ET AL.

Examiner

Ninh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 20-29 is/are allowed.
- 6) ☒ Claim(s) 13-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The disclosure is objected to because non-enablement. On page 10, paragraphs [0027] and [0028], Applicant only discloses the valve flexure 186 is biased open and “preferably is formed such that it curves away from the housing 102”, and in order to control the pre-load and the distance between the valve flexure 186 and the supply opening 173, the valve flexure 186 contacts a stop 200. Nowhere in the specification does applicant disclose the stop provides a biasing force on the valve flexure to bias the valve flexure to the open position as recited in claims 17 and 18. Therefore, a person in the art cannot make and use of the invention without undue experimentation.

Claim Rejections - 35 USC § 112

2. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant fails to disclose how a stop is configured to provide biasing force to bias the valve flexure to the open position.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 15, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fortune (3,807,444).

Fortune discloses a check valve assembly (Figs. 1-6) for placement proximate an opening in a wall separating a first environment and a second environment, the check valve comprising a valve flexure 18 (Fig. 1), at least a portion of which is coupled to the wall proximate the opening (flange 13) and configured to selectively move between a valve open and a valve close position in response to pressure differential between the first and second environments (Fig. 1); and a valve seat 40 coupled to the wall concentric to the opening and configured to selectively contact the valve flexure to provide a leak tight seal when the valve flexure is in a close position;

wherein the valve flexure comprising spring steel (col. 2, lines 46-55); and

wherein the valve flexure comprising rubber (col. 3, lines 7-10).

5. Claims 13, 14, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by McCoy (5,885,064).

McCoy discloses a check valve assembly (Figs. 1-5) for placement proximate an opening in a wall separating a first environment and a second environment, the check valve comprising a valve flexure 40 (Fig. 2), at least a portion of which is coupled to the wall 26 proximate the

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opening and configured to selectively move between a valve open and a valve close position in response to pressure differential between the first and second environments; and a valve seat (Fig. 4) coupled to the wall concentric to the opening and configured to selectively contact the valve flexure to provide a leak tight seal when the valve flexure is in a close position; and

wherein the valve flexure comprising leaf spring steel (col. 4, lines 17-18).

Allowable Subject Matter

6. Claims 1-12, and 20-29 are allowed. The claims are deemed allowable over the US patent number 5,042,963. The improvements are a first valve disposed within a reservoir and are configured to open or close the supply opening in response to a pressure differential between the starter housing and the gear box assembly; and a second valve coupled to the starter housing proximate to the exhaust opening and configured to open and close the exhaust opening in response to the pressure differential between the starter housing and the gearbox assembly.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Miura et al. (6,296,014) is cited to show a check valve positioned next to a fluid reservoir.

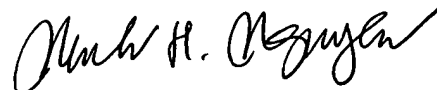
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).



**NINH H. NGUYEN
PRIMARY EXAMINER**

Nhn
July 29, 2005